

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WAR N. MARION,

Plaintiff,

v.

JANEL NICKELS, DYLAN RADTKE,  
CHAD KELLER and B. NEUMAIR,

Defendants.

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ORDER

09-cv-723-bbc

Plaintiff War Marion, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, has submitted a proposed complaint. He requests leave to proceed in forma pauperis. A decision on the request will be delayed until plaintiff pays an initial partial payment of the filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because the statement he submitted with his complaint does not comply with 28 U.S.C. § 1915(a)(2). Plaintiff should have submitted a certified copy of the trust fund account statement for the six-month period immediately preceding the filing of the complaint. Instead, plaintiff submitted a statement from U.S. Bank which appears to be a statement of his release account funds for the period of June 24, 2009 to September 24, 2009.

Plaintiff's complaint was submitted on November 25, 2009. His trust fund account statement should cover the period beginning approximately May 25, 2009 and ending approximately November 23, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under § 1915(e)(2). Plaintiff should show a copy of this order to prison officials so that they are aware they should send either the required trust fund account statement to this court.

#### ORDER

IT IS ORDERED that plaintiff may have until December 23, 2009, in which to submit a trust fund account statement for the period beginning May 25, 2009 and ending November 23, 2009. If, by December 23, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 3<sup>rd</sup> day of December, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge